

BG MARTIN P. SCHWEITZER

ROI 13-024

**(Investigation Report for Preliminary
Analysis DIG 13-00081)**



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

AUG 23 2013

US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 13-024)

NAME / POSITION: Brigadier General (BG) Martin P. Schweitzer, Deputy Director for Regional Operations, J-3, The Joint Staff, Washington, D.C.

[Investigating Officer (IO) Note: BG Schweitzer was a Colonel (COL) and assigned as the Deputy Commanding General (Operations), 82nd Airborne (ABN) Division, Fort Bragg, North Carolina (NC), at the time of his alleged impropriety.]

ALLEGATION / FINDING # 1: The allegation that BG Schweitzer failed to demonstrate exemplary conduct was substantiated.

ALLEGATION / FINDING # 2: The allegation that BG Schweitzer used an Army communication system for an unauthorized purpose was substantiated.

BACKGROUND:

1. On 17 June 2013, the Department of the Army Inspector General Agency (DAIG) received notification from the Office of The Judge Advocate General (OTJAG) of potential impropriety by BG Schweitzer. OTJAG provided e-mails BG Schweitzer sent that may have been inappropriate and an improper use of his government e-mail.
2. On 8 July 2013, The Inspector General directed that DAIG investigate.

ALLEGATION #1: The allegation that BG Schweitzer failed to demonstrate exemplary conduct was substantiated. Two e-mails sent by BG Schweitzer from his government e-mail account appeared to have been improper.

STANDARD: Section 3583 of title 10, United States Code, Exemplary Conduct, states that all commanding officers and others in authority in the Army are required to show in themselves a good example of virtue, honor, patriotism, and subordination to guard against and suppress all dissolute and immoral practices.

DOCUMENTS / TESTIMONY:

1. Lieutenant Colonel (LTC) (b)(7)(C) Prosecutor, XVIII ABN Corps, Fort Bragg, NC, stated that his office obtained e-mails from the computers of BG Jeffrey A. Sinclair, former Deputy Commanding General (Support), 82nd ABN Division, Fort Bragg, NC, as part of an ongoing criminal investigation against BG Sinclair. During a review of these e-mails, his office identified certain e-mails that involved senior Army officials and contained potentially inappropriate content. The

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senior Army officials involved with these e-mails were Lieutenant General (LTG) James L. Huggins, former Commanding General, 82nd ABN Division, Fort Bragg, NC; BG Schweitzer; and BG Sinclair. LTC (b)(7)(C) office forwarded the questionable e-mails to the Staff Judge Advocate (SJA), XVIII ABN Corps, who then forwarded them to OTJAG.

[IO Note: LTG Huggins was a Major General and BG Sinclair was a COL at the time of the e-mails. Allegations against LTG Huggins and BG Sinclair of improper use of Army communications systems are addressed in Other Matters.]

2. A chain of e-mails (total of four), dated 22 March 2011, between LTG Huggins, BG Schweitzer, and BG Sinclair, subject: (b)(7)(C) (b)(7)(C)

[IO Note: BG Schweitzer incorrectly spelled (b)(7)(C) (b)(7)(C) name in the subject line of this e-mail.]

a. BG Schweitzer initiated the e-mail chain, writing to LTG Huggins and BG Sinclair. BG Schweitzer provided an update to LTG Huggins regarding his meeting with (b)(7)(C) (b)(7)(C) "Briefing went well . . . she was engaging . . . had done her homework. She wants us to know she stands with us and will work / push to get the Fort Bragg family (b)(7)(C) BG Schweitzer also included the comment, "She is smoking hot."

b. LTG Huggins responded to both BGs Schweitzer and Sinclair in an e-mail, "Damn, Jeff - Marty pulled a (b)(7)(C) on us."

[IO Note: (b)(7)(C) referred to Ms. (b)(7)(C) a model, news correspondent, and television host. Ms. (b)(7)(C) has participated in several United Service Organization tours in support of military personnel.]

c. BG Sinclair followed in an e-mail to both LTG Huggins and BG Schweitzer, "He sucks . . . still need to confirm hotness."

d. BG Schweitzer sent the final e-mail in the chain, "Sorry it took so long to get back (b)(7)(C)

a. BG Schweitzer sent the e-mails from his government e-mail account.

3. (b)(7)(C)
(b)(7)(C)

(b)(7)(C)

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(b)(7)(C)

b. (b)(7)(C)

[IO Note: Other e-mails OTJAG provided did not reflect any impropriety by BG Schweitzer or LTG Huggins. These e-mails are included as Exhibits C-1 and C-4.]

4. BG Schweitzer testified:

a. Regarding the chain of e-mails, subject: (b)(7)(C)

(1) He sent his initial e-mail to update LTG Huggins on his meeting with (b)(7)(C). She had been a guest of the command. His update constituted the official purpose of this e-mail. He referred to (b)(7)(C) as "smoking hot" in response to a radio or TV spot that he had recently seen where a commentator had made a flattering comment about her looks. He intended his "smoking hot" comment to be humorous. He realized it was an inappropriate comment.

(2) Unfortunately his comment about (b)(7)(C) looks in his initial e-mail caused the three follow-on e-mails. LTG Huggins's response, "Marty pulled a (b)(7)(C) on us," referred to a private meeting that LTG Huggins had with Ms. (b)(7)(C) in Afghanistan several years prior. Ms. (b)(7)(C) had requested to meet with LTG Huggins privately to discuss Soldier morale issues. It was a running joke between LTG Huggins and BG Sinclair that LTG Huggins purposely arranged the private meeting with Ms. (b)(7)(C). LTG Huggins's e-mail response was "self-deprecating."

(3) His e-mail response (b)(7)(C) was "childish" and "truly stupid." He tried to be funny, but it was a "misguided attempt at humor." He could provide no other context. He regretted sending this e-mail immediately after he sent it. Further, soon after he sent it, LTG Huggins corrected him for it face to face. LTG Huggins told him it was not funny. He immediately "internalized" LTG Huggins's correction.

(4) This chain of e-mails was shared between a very limited audience, his boss and a peer. He attempted to be funny, but realized the inappropriateness of some of his comments. It was a "misguided attempt to get a laugh from two of my close working

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partners." He deeply regretted sending both e-mails, excluding his official update to LTG Huggins.

b. (b)(7)(C)

(b)(7)(C)

5. BG Schweitzer provided additional comments via e-mail to further address the allegation that he failed to demonstrate exemplary conduct:

a. "My comments were a terrible attempt at humor. I didn't mean them literally or figuratively, I simply meant them to try and be funny during a very tense period within the command to a limited audience. I know they were not appropriate. It was stupid."

b. "My comments were wrong. However, I am an honorable man; live by the Army values and try to do what is right. I am not perfect. This horrible attempt at a joke was simply that, a horrible attempt at a joke. It is not who I am nor is it a representation of my values. I believe I am a good example, and try to live by the right virtues. I am patriotic and do not engage in dissolute or immoral practices."

c. "This email was not good – but it is not reflective of my intent or what I was trying to do nor is it reflective of who I am and nor is it reflective of 99.999% of everything I have done in my career."

6. LTC (b)(7)(C) confirmed that he did not identify any other questionable or troubling e-mails involving BG Schweitzer and LTG Huggins other than those forwarded to the OTJAG.

ANALYSIS / DISCUSSION:

1. BG Schweitzer's "smoking hot" comment in the first e-mail was the catalyst from which ill-advised humor devolved into the vulgar and unacceptable comment that followed. Soon after referring to (b)(7)(C) (b)(7)(C) as "smoking hot," BG Schweitzer followed up with a comment about (b)(7)(C). Although BG Schweitzer was clearly joking, his comment about (b)(7)(C) following his reference to (b)(7)(C) (b)(7)(C) appearance was offensive and unprofessional.

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2. (b)(7)(C)
(b)(7)(C)

3. BG Schweitzer acknowledged the inappropriateness of his comments. He made the comments in an attempt to be humorous. His e-mails were shared among only two people, his boss and a peer. LTG Huggins verbally corrected BG Schweitzer for his sexually inappropriate comment. BG Schweitzer internalized the importance of being more mindful of the words he used in e-mails and has since been more careful in his correspondence. BG Schweitzer deeply regretted his "misguided" comments and never intended to offend anyone. There was no pattern or any indication that BG Schweitzer made any other inappropriate comments. This conduct was limited to those two comments he made in two e-mails from over two years ago.

4. BG Schweitzer's sexually explicit e-mail did not reflect favorably on him and did not, in this instance, show him as demonstrating respectful or professional behavior. BG Schweitzer's comments were shared with only two other individuals and had no adverse impact on his unit or any individual; however, they certainly were not exemplary.

CONCLUSION: The preponderance of credible evidence reflected that BG Schweitzer made inappropriate comments. His comments were not consistent with exemplary conduct.

ALLEGATION #2: The allegation that BG Schweitzer used an Army communication system for an unauthorized purpose. An e-mail BG Schweitzer sent from his government e-mail account appeared to have been an inappropriate use of government e-mail.

STANDARD: Army Regulation (AR) 25-1 (Army Knowledge Management and Information Technology), 4 December 2008, paragraph 6-1, states that Soldiers and Department of the Army Civilians may not use Army communications systems in a way that would adversely reflect on DoD or the Army. This includes uses involving sexually explicit e-mail or subversive and other uses that are incompatible with public service.

DOCUMENTS / TESTIMONY: BG Schweitzer testified that he signed a user agreement regarding the use of his government e-mail. He understood the prohibition against pornography. He may not have fully understood the "left and right" limits regarding sexual references in e-mails. He knew there was no expectation of privacy regarding his government e-mail. He typically received 600-700 e-mails per day while serving as the DCG. He attempted to respond to every e-mail.

ANALYSIS / DISCUSSION:

1. AR 25-1 states that Soldiers may not use Army communications systems that would adversely reflect on DoD or the Army. This includes uses involving sexually explicit e-mail.

2. (b)(7)(C)
(b)(7)(C)

3. BG Schweitzer's comments devolved from ill-advised humor into vulgar, sexually explicit comments about a (b)(7)(C). Soon after referring to (b)(7)(C) as "smoking hot," BG Schweitzer followed up with a comment about (b)(7)(C). While BG Schweitzer was clearly joking, his comment about (b)(7)(C) following his reference to (b)(7)(C) (b)(7)(C) appearance clearly crossed the line with respect to the proper use of his government e-mail. It had no official purpose, it was sexually explicit, and it adversely reflected on DoD and the Army.

4. BG Schweitzer acknowledged the inappropriateness of his comments. He made the comments in an attempt to be humorous and never intended to offend anyone. There was no pattern or any indication that BG Schweitzer made any other inappropriate comments using his government e-mail; his improper use of his government e-mail appeared to be limited to his e-mail comments from over two years ago.

CONCLUSION: The preponderance of credible evidence reflected that BG Schweitzer used an Army communication system for an unauthorized purpose.

OTHER MATTERS:

1. Although LTG Huggins was included on some of the e-mails provided by the OTJAG, there was insufficient evidence to identify any impropriety by LTG Huggins. Further, LTG Huggins took action by correcting BG Schweitzer face to face for his inappropriate comments.

2. Although evidence indicated that BG Sinclair may have improperly used his government e-mail, DAIG did not investigate matters against BG Sinclair because he is currently pending court-martial proceedings.

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RECOMMENDATIONS:

1. This report be approved and the case closed.
2. Refer this report to the Office of The Judge Advocate General.
3. Take no action regarding the Other Matter Issues and record as dropped.

(b)(7)(C)

IG Investigator

(b)(7)(C)

IG Investigator

APPROVED:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

Ends

LIST OF EXHIBITS

EXHIBIT ITEM

A Authority/Complaint

- A-1: Directive
- A-2: Legal Reviews

B Standard

- B-1: Title 10 United States Code, section 3583, Exemplary Conduct
- B-2: AR 25-1

C Documents

- C-1: Chain of E-mails, dated 14 March 2011, between BG Schweitzer, LTG Huggins, and BG Sinclair
- C-2: Chain of E-mails, dated 22 March 2011, between BG Schweitzer, LTG Huggins, and BG Sinclair
- C-3: (b)(7)(C)
- C-4: E-mail, dated 26 May 2013, sent by BG Sinclair to BG Schweitzer

D Testimony

- D-1: LTC (b)(7)(C) (MFR) FOIA: No
- D-2: BG Schweitzer FOIA: Yes

E Notifications

- E-1: LTG Scaparrotti
- E-2: Vice Admiral Kurt W. Tidd
- E-3: BG Schweitzer (subject)